

**UNDERAGE DRINKING PREVENTION CAMPAIGN**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lyle W. Hillyard**

House Sponsor: Jack R. Draxler

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**LONG TITLE**

**General Description:**

This bill modifies the Alcoholic Beverage Control Act to provide funding and guidelines for an underage drinking prevention campaign.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates a restricted account within the General Fund;
- ▶ requires deposits into the restricted account of percentages of the total gross revenue from the sale of liquor;
- ▶ outlines the duties of the Utah Substance Abuse Advisory Council; and
- ▶ outlines the duties of the department.

**Money Appropriated in this Bill:**

This bill appropriates:

▶ to Department of Alcoholic Beverage Control - Parents Empowered, as an ongoing appropriation:

- from the Liquor Control Fund, (\$1,473,700)

▶ to Department of Alcoholic Beverage Control - Parents Empowered, as an ongoing appropriation:

- from the Underage Drinking Prevention Media and Education Campaign

Restricted Account, \$1,773,300



28 **Other Special Clauses:**

29 This bill takes effect on July 1, 2012.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **63J-1-602.2**, as last amended by Laws of Utah 2011, Chapters 189, 284, 303, and 400

33 **63M-7-303**, as last amended by Laws of Utah 2010, Chapter 39

34 ENACTS:

35 **32B-2-306**, Utah Code Annotated 1953



37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **32B-2-306** is enacted to read:

39 **32B-2-306. Underage drinking prevention media and education campaign.**

40 (1) As used in this section:

41 (a) "Advisory council" means the Utah Substance Abuse Advisory Council created in  
42 Section 63M-7-301.

43 (b) "Restricted account" means the Underage Drinking Prevention Media and  
44 Education Campaign Restricted Account created in this section.

45 (2) (a) There is created a restricted account within the General Fund known as the  
46 "Underage Drinking Prevention Media and Education Campaign Restricted Account."

47 (b) The restricted account consists of:

48 (i) deposits made under Subsection (3); and

49 (ii) interest earned on the restricted account.

50 (3) The department shall deposit ~~H~~→ [the following percentages] 0.6% ←H of the total  
50a gross revenue

51 from sales of liquor with the state treasurer, as determined by the total gross revenue collected  
52 for the fiscal year two years preceding the fiscal year for which the deposit is made, to be  
53 credited to the restricted account and to be used by the department as provided in Subsection

54 (5) ~~H~~→ [z] .

55 [~~(a) for a deposit in fiscal year 2012-13, 0.6% of the total gross revenue for fiscal year~~  
56 ~~2010-11;~~

57 — ~~(b) for a deposit in fiscal year 2013-14, 0.7% of the total gross revenue for fiscal year~~  
58 ~~2011-12;~~

59 ~~—— (c) for a deposit in fiscal year 2014-15, 0.8% of the total gross revenue for fiscal year~~  
60 ~~2012-13;~~

61 ~~—— (d) for a deposit in fiscal year 2015-16, 0.9% of the total gross revenue for fiscal year~~  
62 ~~2013-14;~~

63 ~~—— (e) for a deposit in fiscal year 2016-17, 1% of the total gross revenue for fiscal year~~  
64 ~~2014-15; and~~

65 ~~—— (f) for a deposit in subsequent fiscal years, 1% of the total gross revenue for the fiscal~~  
66 ~~year two years preceding the fiscal year for which the deposit is made.] ←H~~

67 (4) The advisory council shall:

68 (a) provide ongoing oversight of a media and education campaign funded under this  
69 section;

70 (b) create an underage drinking prevention workgroup consistent with guidelines  
71 proposed by the advisory council related to the membership and duties of the underage  
72 drinking prevention workgroup;

73 (c) create guidelines for how money appropriated for a media and education campaign  
74 can be used;

75 (d) include in the guidelines established pursuant to this Subsection (4) that a media  
76 and education campaign funded under this section is carefully researched and developed, and  
77 appropriate for target groups; and

78 (e) approve plans submitted by the department in accordance with Subsection (5).

79 (5) (a) Subject to appropriation from the Legislature, the department shall expend  
80 money from the restricted account to direct and fund one or more media and education  
81 campaigns designed to reduce underage drinking in cooperation with the advisory council.

82 (b) The department shall:

83 (i) in cooperation with the underage drinking prevention workgroup created under  
84 Subsection (4), prepare and submit a plan to the advisory council detailing the intended use of  
85 the money appropriated under this section;

86 (ii) upon approval of the plan by the advisory council, conduct the media and education  
87 campaign in accordance with the guidelines made by the advisory council; and

88 (iii) submit to the advisory council annually by no later than October 1, a written report  
89 detailing the use of the money for the media and education campaigns conducted under this

90 Subsection (5) and the impact and results of the use of the money during the prior fiscal year  
91 ending June 30.

92 Section 2. Section **63J-1-602.2** is amended to read:

93 **63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.**

94 (1) Appropriations from the Technology Development Restricted Account created in  
95 Section 31A-3-104.

96 (2) Appropriations from the Criminal Background Check Restricted Account created in  
97 Section 31A-3-105.

98 (3) Appropriations from the Captive Insurance Restricted Account created in Section  
99 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that  
100 section free revenue.

101 (4) Appropriations from the Title Licensee Enforcement Restricted Account created in  
102 Section 31A-23a-415.

103 (5) Appropriations from the Health Insurance Actuarial Review Restricted Account  
104 created in Section 31A-30-115.

105 (6) Appropriations from the Insurance Fraud Investigation Restricted Account created  
106 in Section 31A-31-108.

107 (7) Appropriations from the Underage Drinking Prevention Media and Education  
108 Campaign Restricted Account created in Section 32B-2-306.

109 [~~7~~] (8) Funding for a new program or agency that is designated as nonlapsing under  
110 Section 36-24-101.

111 [~~8~~] (9) Appropriations from the Oil and Gas Conservation Account created in Section  
112 40-6-14.5.

113 [~~9~~] (10) Appropriations from the Electronic Payment Fee Restricted Account created  
114 by Section 41-1a-121 to the Motor Vehicle Division.

115 [~~10~~] (11) Funds available to the Tax Commission under Section 41-1a-1201 for the  
116 purchase and distribution of license plates and decals.

117 Section 3. Section **63M-7-303** is amended to read:

118 **63M-7-303. Duties of council.**

119 (1) The Utah Substance Abuse Advisory Council shall:

120 (a) provide leadership and generate unity for Utah's ongoing efforts to combat

121 substance abuse;

122 (b) recommend and coordinate the creation, dissemination, and implementation of a  
123 statewide substance abuse policy;

124 (c) facilitate planning for a balanced continuum of substance abuse prevention,  
125 treatment, and justice services;

126 (d) promote collaboration and mutually beneficial public and private partnerships;

127 (e) coordinate recommendations made by any committee created under Section  
128 63M-7-302;

129 (f) analyze and provide an objective assessment of all proposed legislation concerning  
130 alcohol and other drug issues; ~~and~~

131 (g) coordinate the implementation of Section 77-18-1.1 and related provisions in  
132 Subsections 77-18-1(5)(d) and (e), as provided in Section 63M-7-305[-]; and

133 (h) comply with Section 32B-2-306.

134 (2) The council shall meet quarterly or more frequently as determined necessary by the  
135 chair.

136 (3) The council shall report its recommendations annually to the commission,  
137 governor, the Legislature, and the Judicial Council.

138 **Section 4. Appropriation.**

139 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the  
140 following sums of money are appropriated from resources not otherwise appropriated, or  
141 reduced from amounts previously appropriated, out of the funds or accounts indicated for the  
142 fiscal year beginning July 1, 2012 and ending July 30, 2013. These are additions to any  
143 amounts previously appropriated for fiscal year 2013.

144 Item 1: To Department of Alcoholic Beverage Control - Parents Empowered

145 From Liquor Control Fund (\$1,473,700)

146 Schedule of Programs

147 Parents Empowered (\$1,473,700)

148 Item 2: To Department of Alcoholic Beverage Control - Parents Empowered

149 From Underage Drinking Prevention Media and Education Campaign

150 Restricted Account \$1,773,300

151 Schedule of Programs

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Parents Empowered

\$1,773,300

Section 5. **Effective date.**

This bill takes effect on July 1, 2012.

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**Legislative Review Note**  
as of **2-14-12 12:24 PM**

**Office of Legislative Research and General Counsel**